



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## A G E N D A

**MARCH 26, 2007**

*Commissioner Joe Ford, Chairman*  
*Commissioner David Lillard, Chairman Pro Tempore*  
*Commissioner Joyce Avery*  
*Commissioner Henri E. Brooks*  
*Commissioner Wyatt Bunker*  
*Commissioner Mike Carpenter*  
*Commissioner Sidney Chism*

*Commissioner George Flinn*  
*Commissioner J.W. Gibson II*  
*Commissioner James Harvey*  
*Commissioner Deidre Malone*  
*Commissioner Steve Mulroy*  
*Commissioner Mike Ritz*

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**2:30 P.M. COMMISSION CONVENES**

**CALL TO ORDER Deputy Sheriff George Catron**

**INVOCATION Reverend Brad Gabriel**  
**Colonial Park United Methodist Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Session**

**LILLARD**  
**ADOPTED March 12, 2007**

## **C O N S E N T A G E N D A**

**Resolutions of Memorial, Sympathy and Commendation**

**BROOKS**  
**ADOPTED 1. Resolution commending Honorable Judge Russell B. Sugarmon, Jr., for significant contributions to Shelby County.**

**BROOKS**  
**ADOPTED 2. Resolution honoring Mrs. Hattie Niter Stout, who will celebrate her one hundredth birthday on April 10, 2007.**

**GIBSON**  
**ADOPTED 3. Resolution in support of making Shelby County a model of the "American Dream" in honor of Dr. Martin Luther King, Jr.**

**Ordinances**

- |                            |   |
|----------------------------|---|
| <b>MALONE<br/>APPROVED</b> | 4. <b><u>ORDINANCE – SECOND READING</u></b> – An Ordinance to amend the Shelby County Code of Ordinance, Chapter 2, Article II, Section 2-57 relative to the purchase, sale or exchange of materials, supplies, commodities, equipment and real estate from, to or with any federal, state or local governmental entity.  |
| <b>CHISM<br/>APPROVED</b>  | 5. <b><u>ORDINANCE – SECOND READING</u></b> – An Ordinance to amend the Shelby County Code of Ordinances to add a new chapter entitled "Emergency Communication Services (911)" relative to the prevention of the placing of non emergency calls to the Emergency 911 number, or the sending of non emergency messages to a public safety answering point, and the penalty for violation of this ordinance. |

**Zoning and Subdivisions**

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| <b>RITZ<br/>(DEFERRED<br/>TO 04/09/07)</b> | 6.     Resolution to release the bond that secured the improvements to Lost Creek P.D. (P.D. 04-381 CC).   |
| <b>RITZ<br/>(DEFERRED<br/>TO 04/09/07)</b> | 7.     Resolution to release the bond that secured the improvements to Buckingham Farms P.D., Part of Parcel O, Phase 28 (P.D. 95-310 CC).   |
| <b>RITZ<br/>(DEFERRED<br/>TO 04/09/07)</b> | 8.     Resolution to approve the agreement to secure the improvements to Sunset Ridge P.D. (P.D. 02-341 CC) and authorize the recording of the plat when bonding procedures have been fulfilled. |
| <b>RITZ<br/>ADOPTED</b>                    | 9.     Resolution to approve the plat for Elkouz Subdivision (S 06-062 CO) and to authorize the recording of the plat.   |
| <b>RITZ<br/>ADOPTED</b>                    | 10.    Resolution to release the bond that secured the improvements to Appling Commons P.D., Third Amendment, Phase 4, Area D (P.D. 04-355 CC).  |
| <b>RITZ<br/>ADOPTED</b>                    | 11.    Resolution to approve the plat for Jones Ridge Subdivision (S 05-079 CO) and to authorize the recording of the plat.  |

**Reports and/or Resolutions of Standing Committees**

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|---------------------------|---|
| <b>MALONE<br/>ADOPTED</b> | 12.    Resolution approving contract with Contracting Single Source Solutions, Inc., for HVAC renovation Phase 1 at the Shelby County Criminal Justice Center, appropriating funds in the amount of \$329,600.00 from |
|---------------------------|---|

the FY 2006/2007 Budget for CIP Project No. 101999, Project Contingencies.

**MALONE  
(DEFERRED)  
TO 04/09/07)**

13. Resolution to amend the FY 2007 budget of the Shelby County Board of Commissioners to accept funds in the amount of \$1,125.00 from Shelby County Tax Payers for reimbursement to Shelby County Government for the travel of Commissioner Henri E. Brooks to the United States Department of Justice Civil Rights Division.

**LILLARD  
ADOPTED**

14. Resolution authorizing the execution of a lease agreement with Wepfer Marine, Inc., for certain mooring rights located in McKellar Lake, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on November 16, 2006.

**RITZ  
ADOPTED**

15. Resolution awarding a contract to Standard Construction Company for the FY 2006/2007 Asphalt Concrete Surfacing Program, Phase 1, in the amount of \$587,002.63. Funding will be from the State Gas Tax and will not impact the General Fund.

**AVERY  
ADOPTED**

16. Resolution approving a sub-grant agreement between Shelby County Government and Comprehensive Counseling Network for services in connection with a federal grant for the expansion of treatment and services for Shelby County detainees with co-occurring disorders.

**AVERY  
ADOPTED**

17. Resolution to amend the Memphis and Shelby County Health Department FY 2006/2007 Operating Budget (TennCare Preventive Dental Program.)

**CHISM  
ADOPTED**

18. Resolution approving the Rules of Operation for the Shelby County Sheriff's Rotation Call List for wrecker and towing service in Shelby County, Tennessee.

**CHISM  
ADOPTED**

19. Resolution amending the FY 2006/2007 Operating Budget for the State of Tennessee Department of Transportation – Governor's Highway Safety Office Grant for the Metro Youth DUI Unit Project to re-allocate funds in the amount of \$26,187.00.

**CHISM  
ADOPTED**

20. Resolution amending the FY 2006/2007 Operating Budget and authorizing the Shelby County Mayor to execute a grant agreement with the U.S. Department of Justice for the Bulletproof Vest Grant Program for Federal FY 2005 in the amount of \$56,772.00.

**CHISM  
ADOPTED**

21. Resolution amending the FY 2006/2007 Operating Budget and authorizing the Shelby County Mayor to execute a contract agreement with the Memphis Legal Services for the Encourage Arrest Policies and

enforcement of the Protection Orders Program in the amount of \$544,602.00.

**CHISM  
ADOPTED**

22. Resolution amending the FY 2006/2007 Operating Budget and authorizing the Shelby County Mayor to execute a grant agreement with the Compass Coordination, Inc., for the training grant to stop abuse and sexual assault of older individuals or individuals with disabilities in the amount of \$16,500.00.

**CHISM  
ADOPTED**

23. Resolution appropriating \$86,051.00 from CIP Project No. 101709, Corrections Center, and approving contract with Tennessee Roofing Consultants, Inc., for architect/engineering services for re-roofing buildings at the Shelby County Division of Corrections, and authorizing the expenditure of funds to Tennessee Roofing Consultants, Inc., for those services.

**HARVEY  
ADOPTED**

24. Resolution to approve funds from FY 2006/2007 CIP Project No. 909-101701-7024 – Memphis Cook Convention Center Upgrades, in the amount of \$114,493.50.

**CARPENTER  
ADOPTED**

25. Resolution appropriating funds in the amount of \$410,000.00 from the FY 2006/2007 CIP Budget for the county's share of funding of a contract between Shelby County, the Chickasaw Basin Authority and the Corps of Engineers for CIP Project No. 101906, Chickasaw Basin Authority, Wolf River Environmental Restoration and amending the FY 2006/2007 CIP Budget.

**BROOKS  
ADOPTED**

26. Resolution adopting guidelines for the Shelby County Board of Commissioners 2007 Summer Youth Employment Program.

**GIBSON  
(DEFERRED  
TO 04/09/07)**

27. Resolution appropriating funds in the amount of \$30,000.00 for in-kind improvements to the Community Center of the New Chicago neighborhood.

**GIBSON  
ADOPTED**

28. Resolution rescinding previously approved resolution approving Homestead Program transfer of properties and reassigning properties to the real estate office for sale.

**GIBSON  
ADOPTED**

29. Resolution approving the transfer of title of three parcels of Homestead Program Property pursuant to Tennessee Code Annotated Sections 7-66-101 to 7-66-111 and Resolution No. 24 adopted by the Shelby County Board of Commissioners October 7, 1985, authorizing the implementation of the Shelby County Homestead Program.

MULROY  
ADOPTED

CONSENT AGENDA

***REGULAR AGENDA***

(RECONSIDERATION, ITEM 35, FAILED – MARCH 12, 2007)

MALONE  
ADOPTED

Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 2, Chapter 5, Section 151, relative to referendum by special election”.

**Elections, Appointments, and Confirmations**

BROOKS  
ADOPTED

30. Resolution approving the county mayor's nomination of Humphrey Folk, III for reappointment to the Memphis and Shelby County *Port Commission*.

BROOKS  
ADOPTED

31. Resolution approving Commissioner David Lillard and Commissioner Deidre Malone to the Needs Assessment Committee.

BROOKS  
ADOPTED  
AS AMENDED

32. Resolution acknowledging resignation of Beverly Marrero from the House of Representatives of the 106th Tennessee General Assembly; establishing the date for the election to fill the vacant House seat for the unexpired term of Beverly Marrero as provided by law; waiving the statutory notice requirement by the Clerk of the Shelby County Board of Commissioners; authorizing the Chairman of the Shelby County Board of Commissioners to publish Notice of Election; and directing the Shelby County Attorney to conduct criminal background checks on all candidates for said vacancy.

**Ordinances**

CHISM  
ADOPTED

33. ORDINANCE – THIRD READING – An Ordinance to amend the Shelby County Code of Ordinances, Chapter 7, Article XVI, Sections 7-501 to 7-552 relative to the regulation of wrecker and towing services and to repeal Ordinance No. 62 adopted December 18, 1989.

GIBSON  
ADOPTED

34. ORDINANCE – THIRD READING – An Ordinance amending the Shelby County Purchasing Laws by enacting a new Locally Owned Small Business Purchasing Program for the Shelby County Government.

**Zoning and Subdivisions**

**Reports and/or Resolutions for Standing Committees**

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| <b>HARVEY<br/>(DEFERRED<br/>TO 04/09/07)</b> | <b>35.</b> | <b>Resolution approving retainage of a law firm for the purpose of initiating litigation against PC Sports, M.A. Mortenson Company, and /or Ellerbe Becket.</b>  |
| <b>CARPENTER<br/>ADOPTED</b>                 | <b>36.</b> | <b>Resolution authorizing Shelby County Government to conduct a Request for Qualifications and Request for Proposals process for the purpose of obtaining a design firm to prepare a master plan for Shelby Farms Park.</b>  |
| <b>CARPENTER<br/>ADOPTED<br/>AS AMENDED</b>  | <b>37.</b> | <b>Resolution adopting a governance policy for Shelby Farms Park and authorizing the Shelby County Mayor to select a not-for-profit entity to provide management for Shelby Farms Park and to enter into a management agreement.</b>   |
| <b>BROOKS<br/>ADOPTED</b>                    | <b>38.</b> | <b>Resolution adopting new rules and regulations and bylaws, including membership requirements, for the new Beer Board; and directing the Shelby County Board of Commissioners to proceed with the appointment of new members to the new Beer Board.</b>   |
| <b>GIBSON<br/>ADOPTED</b>                    | <b>39.</b> | <b>Resolution approving policy and program changes to the Industrial Development Board of the City of Memphis and County of Shelby Payment-In-Lieu-Of-Tax (PILOT) Program approved by the Memphis City Council on October 3, 2006, and authorizing that the changes be included in an amendment to the corporate charter of the Industrial Development Board.</b>  |
| <b>GIBSON<br/>ADOPTED</b>                    | <b>40.</b> | <b>Resolution approving policy and program changes to the Industrial Development Board of the City of Memphis and County of Shelby Payment-In-Lieu-Of-Tax (PILOT) Program that: 1) makes participation in the Jobs Plus Program mandatory; 2) requires inclusion of locally owned small businesses in the Jobs Plus Program; and 3) incorporates Title VI language in PILOT documents. This resolution further authorizes that the changes be included in an amendment to the corporate charter of the Industrial Development Board.</b> |
| <b>MULROY<br/>FAILED<br/>AS AMENDED</b>      | <b>41.</b> | <b>Resolution requesting the Tennessee General Assembly to adopt a moratorium on executions.</b>   |
| <b>MULROY<br/>ADOPTED</b>                    | <b>42.</b> | <b>Resolution requesting the Tennessee General Assembly to enact legislation to allow civil action against owners of vacant abandoned buildings for compliance with building codes when such buildings are declared to be a public nuisance.</b>   |

**MULROY  
ADOPTED**

43. Resolution requesting the Tennessee General Assembly to enact legislation titled The Tennessee Title Pledge Act.

**MULROY  
ADOPTED**

44. Resolution requesting the Tennessee General Assembly to enact legislation amending Tennessee Code Annotated Title 39, Chapter 14, Part 5 relative to the offense of Littering.

#### Announcements/Statements

45. Notification from county mayor of various appointments/reappointments to Boards, Commissions, and offices of Shelby County Government.
- a.) Resolution approving the county mayor's nomination of Edith H. Kelly-Green for appointment to the Memphis and Shelby County Center City Commission.
  - b.) Resolution approving the county mayor's nomination of Clifford Stockton, Sr., for the joint city-county appointment to the Memphis and Shelby County Industrial Development Corporation.
  - c.) Resolution approving the county mayor's nomination of Jon K. Thompson for reappointment to the Memphis and Shelby County Airport Authority.
  - d.) Resolution approving the county mayor's nomination of Aubrey Howard, Scott Fleming, Nisha Powers, Nick Clark and Cato Johnson for re-appointment to the Shelby County Needs Assessment Committee

#### Adjournment

**LILLARD  
ADOPTED**

46. Resolution of Adjournment to Monday, April 9, 2007, at 2:30 p.m.